

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44285 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- BARARI District- Katihar

Sadab Ali @ Saddam Hussain, S/O Manjoor Alam, R/O Village- Aminabad
Tarbanna, Ps. Barari (Semapur O.P.), Dist. Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48289 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- BARARI District- Katihar

Md. Akbar @ Akbar Ali, son of sabdar ali resident of village-tarbanna
aminabad, p.s.-Barari (Semapur), District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44285 of 2023)

For the Petitioner/s	:	Mr.Md. Nurul Hoda, Advocate
For the State	:	Mr. Murlidhar, APP, Advocate
For the Informant	:	Mr. Bhola Prasad, Advocate
		Mr. Indrajeet Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 48289 of 2023)

For the Petitioner/s	:	Mr.Bimal Kumar, Advocate
For the State	:	Mr. Murlidhar, APP, Advocate
For the Informant	:	Mr. Bhola Prasad, Advocate
		Mr. Indrajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners of both cases seek regular bail in
connection with Barari (Semapur) P.S. Case No.266/2022,
lodged on 04.09.2022 under Sections 302, 201, 120B/34 of the



Indian Penal Code.

3. As per the prosecution, the marriage of the sister of the informant was performed with petitioner Md. Akbar @ Akbar Ali in Criminal Miscellaneous No. 48289 of 2023, six years ago, which subsequently resulted in divorce. Upon panchayati, Rs.2,75,000/- was directed to be paid to the wife. It has been alleged that Md. Akbar had a greedy eye on the amount and, thus, he started talking with the informant in connivance with his cousin, namely, Sadab Ali @ Saddam Hussain who is the petitioner in Criminal Miscellaneous No.44285 of 2023. Thereafter, on the instigation of Sadab Ali, the sister of the informant left the house on 03.09.2022 without giving any information to the family members. Subsequently, on the next date, i.e. on 04.09.2022, the dead body of the sister of the informant was found near Semapur Road, and from where the dead body of the victim was sent to the Sadar Hospital, Katihar for post-mortem.

4. Learned counsel for the petitioner Sadab Ali @ Saddam Hussain in Criminal Miscellaneous No.44285 of 2023 submits that the petitioner is innocent and has committed no offence. He has been made accused in this case only due to the reason that he is the cousin of the husband of the deceased. He



further submits that the petitioner is in custody since 04.03.2023 having a clean antecedent and the chargesheet has already been filed in this case.

5. Learned counsel for the petitioner Md. Akbar @ Akbar Ali in Criminal Miscellaneous No. 48289 of 2023 submits that it is true that the petitioner is the husband of the victim and out of the said wedlock, there were two children, and after the Panchayati both the children are residing with the petitioner Md. Akbar @ Akbar Ali in Criminal Miscellaneous No. 48289 of 2023. The sister of the informant used to call the petitioner Sadab Ali @ Saddam Hussain in Criminal Miscellaneous No.44285 of 2023 on his mobile phone only to contact/talk with her children. He further submits that the victim had an illicit relationship with his cousin Sadab Ali @ Saddam Hussain in Criminal Miscellaneous No.44285 of 2023 leading to the separation of the petitioner from the victim and payment of Rs.2,75,000/- during panchayati. He further submits that once the divorce took place between them, he has nothing to do with the affairs of the victim and the petitioner Sadab Ali @ Saddam Hussain in Criminal Miscellaneous No.44285 of 2023, but only on the basis of suspicion, he has been dragged in the present case. The petitioner is in custody since 05.04.2023 having no



criminal antecedent.

6. Learned counsel for the informant opposes the prayer for bail and submits that it is a case in which there is no direct evidence but it is a case of strong circumstantial evidence. He further submits that the case diary has been called in this case and paragraph 19 of the case diary indicates about love affairs between the petitioner Sadab Ali @ Saddam Hussain in Criminal Miscellaneous No.44285 of 2023 and the victim. From para 94 of the case diary, it appears that the CDR of both the petitioners and the victim suggests talking terms between them. Para 94 of the case diary further suggests that the mobile tower location of the petitioner Saddam Hussain and the deceased was found in the same place on the date of occurrence, i.e. on 03.09.2022 and also before the date of occurrence. He further submits that the mobile tower location of the petitioner Saddam Hussain and the victim was also found in the same place some time before the occurrence.

7. Learned counsel for the State submits that it is a case of strong suspicion and, therefore, this aspect may be taken into consideration, particularly, when following this material in the confessional statement, the accused have admitted their guilt.



8. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for regular bail of the petitioner in connection with Barari (Semapur) P.S. Case No.266 of 2022, pending before the learned ACJM-III, Katihar is hereby rejected.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

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